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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,497	03/22/2001	Garry C. Binder	42390P11284	5655

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/815,497

Applicant(s)

BINDER, GARRY C.

Examiner

Hussein A. El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to amendment received on June 6, 2005. Claims 1-20 are pending examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Thurlow et al., U.S. patent No. 6,457,879 (referred to hereafter as Thurlow).

Thurlow teaches the invention explicitly as claimed including a system and method for polling a server to check for e-mails in configurable intervals of time (see abstract).

As to claim 1, Thurlow teaches a networked computing apparatus, comprising:

a business message sender component coupled to a network interface, the network interface not being coupled to an always-active listening component (see col. 3 lines 37-62);

a processing component coupled to the sender component to process a business message or a polling request for transfer to another networked computing apparatus; (see col. 13 lines 5-col. 14 lines 3);

the network computing apparatus being capable to send a polling request at configurable intervals (see col. 13 lines 5-col. 14 lines 3, polling request is sent to check for new messages every interval of time).

As to claim 6, a networked computing system, comprising:

a first networked computing apparatus including a first business message sender component coupled to a first network interface, the first network interface not being coupled to an always-active listening component, and a first processing component coupled to the first sender component to process a business message or a polling request for transfer to another networked computing device (see col. 13 lines 5-col. 14 lines 3); and

a second networked computing apparatus including a second business message sender component coupled to a second network interface, the network interface not being coupled to an always-active listening component, and a second processing component coupled to the sender component to process a business message or a polling request for transfer to another networked computing device, the second networked computing apparatus being coupled to the first networked computing apparatus via a network (see col. 13 lines 5-col. 14 lines 3).

As to claim 11, Thurlow teaches a method comprising:

sending a polling message from a first networked computing apparatus to a second networked computing apparatus (see col. 13 lines 5-col. 14 lines 3);

receiving a response message with a business message from the second networked computing apparatus in response to the polling message, the response message further including information indicating whether additional messages are waiting for transfer to the first networked computing apparatus (see col. 13 lines 5-col. 14 lines 3).

As to claims 12, 2 and 7, Thurlow teaches the method, apparatus and system as claimed in claims 11, 1 and 6 respectively further including storing a business message or receipt acknowledgement for subsequent transfer to another networked computing apparatus (see col. 13 lines 5-col. 14 lines 3).

As to claims 13, 3 and 8, Thurlow teaches the method, apparatus and system as claimed in claim 11, 1 and 6 respectively further including routing the polling message and the response message with the business message through a hub (see col. 13 lines 5-col. 14 lines 3).

As to claims 14, 4 and 9, Thurlow teaches the method, apparatus and system as claimed in claim 12, 2 and 7 respectively further including retaining a business message in a data store until a polling message is received from another networked computing apparatus (see col. 13 lines 5-col. 14 lines 3).

As to claims 15, 5 and 10, Thurlow teaches the method, apparatus and system as claimed in claim 12, 2 and 7 respectively further including retaining a business

message in a data store until another business message is received from another networked computing apparatus (see col. 13 lines 5-col. 14 lines 3).

As to claim 18, Thurlow teaches an article of manufacture comprising:

a computer useable medium having computer readable program instructions embodied thereon for causing a processor to send a polling message from a first networked computing apparatus to a second networked computing apparatus, the computer useable medium also having computer readable program instructions embodied thereon for causing the processor to receive a response message with a business message from the second networked computing apparatus in response to the polling message, the response message further including information indicating whether additional messages are waiting for transfer to the first networked computing apparatus (see col. 13 lines 5-col. 14 lines 3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thurlow in view of Lerner.

As to claims 16-17 and 19-20, Thurlow teaches a system and method for polling a storage device for e-mails every interval of time. Thurlow does not explicitly teach that

the polling and response messages are HTTP POST message. However Lerner teaches a system and method for requesting and receiving e-mails where the polling request and the response message are HTTP POST. It would have been obvious for one of the ordinary skill in the art at the time of the invention to use HTTP POST messages in Thurlow as taught by Lerner because doing so would allow the user to send a message without requiring immediate delivery to the receiver in case the receiver was disconnected and therefore be stored in a storage location until the receiver is capable of receiving the message (see Lerner paragraph [0064]).

#### ***Response to Arguments***

4. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

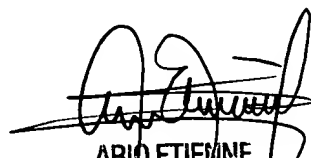
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

July 26, 2005



ARID ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100